

**REMARKS**

In the Final Office Action<sup>1</sup>, the Examiner:

- a) rejects claims 1-4, 7, 18, 19, 23-29, 37-43, 45, and 53 under 35 U.S.C. § 103(a) as unpatentable over U.S. Publication No. 2003/0126048 to Hollar et al ("Hollar") in view of U.S. Publication No. 2003/0033242 to Lynch et al. ("Lynch") and further in view of "HBJ Financial Accounting" by Kochanek ("Kochanek");
- b) rejects claims 5, 6, 11-13, 20-22<sup>2</sup>, 29, 30, 32-34, 44, and 48-50 under 35 U.S.C. § 103(a) as unpatentable over Hollar in view of Lynch and Kochanek, and in further view of U.S. Publication No. 2001/0029475 to Boicourt et al. ("Boicourt");
- c) rejects claims 8-10, 31, 46, and 47 under 35 U.S.C. § 103(a) as unpatentable over Hollar in view of Lynch and Kochanek, and in further view of U.S. Publication No. 2001/0034628 to Eder ("Eder");
- d) rejects claims 16, 36, and 52 under 35 U.S.C. § 103(a) as unpatentable over Hollar in view of Lynch and Kochanek, and in further view of U.S. Patent No. 5,621,201 to Langhans et al. ("Langhans"); and
- e) rejects claim 17 under 35 U.S.C. § 103(a) as unpatentable over Hollar in view of Lynch and Kochanek, and in further view of U.S. Publication No. 2002/0091597 to Teng ("Teng").

By this Amendment, Applicant has amended claims 1, 20, 25, 39, and 40 and canceled claims 4, 28, and 43 without prejudice or disclaimer of their subject matter. Support for the amendments can be found in, for example, para. [0061] of the

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<sup>1</sup> The Office Action contains statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

<sup>2</sup> The heading on p. 7 of the Office Action states that claims 10-22 are rejected under this section. However, the detailed action on pp. 12-13 indicates that claims 20-22 are rejected. Therefore, Applicant thinks the Examiner intends to reject claims 20-22 here.

specification as filed. Upon entry of these proposed amendments, claims 1-3, 5-13, 16-27, 29-34, 36-42, 44-50, 52, and 53 will be pending.

Applicant respectfully traverses the rejection of claims 1-4, 7, 18, 19, 23-29, 37-43, 45, and 53 under 35 U.S.C. § 103(a). A *prima facie* case of obviousness has not been established with respect to these claims. The cancelation of claims 4, 28, and 43 renders the rejection of these claims moot.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements." *M.P.E.P.* § 2142, 8th Ed., Rev. 7 (July 2008)(internal citation and inner quotation omitted). "[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." *M.P.E.P.* § 2141(II). In rejecting a claim, "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." *M.P.E.P.* § 2141(III). Here, no *prima facie* case of obviousness has been established for at least the reasons that the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention and the prior art.

Independent claim 1 recites, among other elements, "a distributing module receiving a total amount and a calculation rule representation from [an] application and periodically calculating a partial amount representation based on the total amount and

the calculation rule representation" (emphasis added). Hollar fails to teach or suggest the above-quoted elements of claim 1.

The Final Office Action asserts that Hollar describes the "distributing module" as recited in claim 1 and cited various portions of Hollar, such as paras. [0013], [0072-74], [0173], and [0208]. However, this assertion is incorrect.

Hollar describes a computer system for managing lease transactions, where "assets associated with the same lease can be treated differently without having to fake asset level processing by using multiple leases with one asset each, to represent one actual lease," and "[t]he system uses a highly encapsulated accounting engine which encapsulates accounting rules in a transparent incorporates accounting expertise in flexible and transparent manner." Hollar, Abstract. Hollar further states that "[a]ccounting rules 122 can be generated and modified by users 106 with accounting expertise, and applied in a transparent way by other users 106 without any accounting expertise, through the use of the computer system 102." Hollar, para. 0073. According to Hollar, the computer system is an integrated entity, where the accounting rules are generated locally on the computer system, but not received by a distributing model "from [an] application" as recited in claim 1.

To even further distinguish over the prior art, Applicant proposes to amend claim 1 to further recite "periodically calculating a partial amount representation based on the total amount and the calculation rule representation" (emphasis added). Applicant respectfully submits that Hollar also fails to teach or suggest this element of claim 1.

Specifically, Hollar states that "[a] billing schedule processing subsystem

at 212 can be used to set invoice comments, create variable streams, enter payments due in advance, or any other function associated with the generation or modification of a billing schedule," and "[a]fter charges are generated by the charge generation subsystem 216, an invoicing subsystem 218 allows the user 106 to invoice lessees on the basis of invoice criteria, to update charges, format invoices, and then to issue invoices." Hollar, para. [0105]. However, Hollar makes no mention of "periodically calculating a partial amount representation based on the total amount and the calculation rule representation," recited in claim 1.

Therefore, without addressing the Examiner's other assertions in the Final Office Action, which are not conceded, Applicant respectfully submits that Hollar fails to teach or suggest "a distributing module receiving a total amount and a calculation rule representation from [an] application and periodically calculating a partial amount representation based on the total amount and the calculation rule representation," as recited in claim 1.

The Final Office Action cites Lynch as a teaching of "a posting module" recited in claim 1 and cites Kochanek as a teaching of "each of [a] first table and [a] second table in the database being subdivided into credit and debit sub-tables" recited in claim 1. Even assuming that these characterizations of Lynch and Kochanek are correct, which Applicant does not concede, they fail to cure the deficiencies of Hollar, discussed above. That is, neither Lynch nor Kochanek teaches or suggests "a distributing module receiving a total amount and a calculation rule representation from [an] application and periodically calculating a partial amount representation based on the total amount and the calculation rule representation," as recited in claim 1.

In view of the mischaracterization of the prior art set forth above, the Final Office Action has neither properly determined the scope and content of the prior art nor ascertained the differences between the claimed invention and the prior art. Moreover, the Final Office Action has provided no motivation for one of ordinary skill in the art to modify the teachings of the prior art to achieve the claimed combinations. Accordingly, no reason has been articulated as to why one of skill in the art would find the claimed combination obvious in view of the prior art. For at least this reason, no *prima facie* case of obviousness has been established. The rejection of claim 1 under 35 U.S.C. §103 as being obvious from Hollar in view of Lynch and Kochanek is thus improper and should be withdrawn. Claims 2-3, 7, 18, 19, and 23-24 are allowable for at least the reason that they depend from allowable claim 1.

Independent claims 25, 39, and 40, while of different scopes, include recitations similar to those discussed above in relation to independent claim 1 and are therefore allowable over Hollar in view of Lynch and Kochanek for reasons similar to those discussed above with respect to claim 1. Claims 26-27, 29, 37, 38, 41-42, 45, and 53 are allowable for at least the reason that they depend from one of the allowable independent claims. Therefore, the rejection of claims 1-3, 7, 18, 19, 23-27, 29, 37-42, 45, and 53 under 35 U.S.C. § 103(a) should be withdrawn and the claims should be allowed.

Applicant respectfully traverses the rejections of remaining dependent claims 5, 6, 8-13, 16-22, 29-34, 36, 44, 46-50, and 52 under 35 U.S.C. § 103(a) as unpatentable over Hollar, Lynch, and Kochanek in view of one or more of Boicourt, Eder, Kochanek, Langhans, and Teng. A *prima facie* case of obviousness has not been established.

Claims 5, 6, 8-13, 16-22, 29-34, 36, 44, 46-50, and 52 depend from claim 1, 25, 39, or 40, and thus include all of the elements thereof. As set forth above, Hollar, Lynch, and Kochanek, either taken alone or in combination, fail to teach or suggest at least "a distributing module receiving a total amount and a calculation rule representation from [an] application and periodically calculating a partial amount representation based on the total amount and the calculation rule representation," as recited in claim 1 and included in claims 5, 6, 8-13, 16-22, 29-34, 36, 44, 46-50, and 52. Without addressing the Examiner's assertions with respect to these claims, which Applicant does not concede, Boicourt, Eder, Langhans, and Teng still fail to teach or suggest the above-quoted elements recited in independent claims 1, 25, 39, and 40 and included in dependent claims 5, 6, 8-13, 16-22, 29-34, 36, 44, 46-50, and 52. Thus Boicourt, Eder, Langhans, and Teng do not compensate for the deficiencies of Hollar, Lynch, and Kochanek.

Therefore, the Office has neither properly determined the scope and content of the prior art nor ascertained the differences between the claimed invention and the prior art. Moreover, the Office Action has provided no motivation for one of ordinary skill in the art to modify the teachings of the prior art to achieve the claimed combinations. Accordingly, no reason has been articulated as to why one of skill in the art would find the claimed combination obvious in view of the prior art. For at least this reason, no *prima facie* case of obviousness has been established. The rejection of dependent claims 5, 6, 8-13, 16-22, 29-34, 36, 44, 46-50, and 52 under 35 U.S.C. §103 as being obvious from Hollar, Lynch, and Kochanek in view of one or more of Boicourt, Eder, Kochanek, Langhans, and Teng is thus improper and should be withdrawn.

**CONCLUSION**

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing all pending claims in condition for allowance.

Applicant submits that the proposed amendments to the claims do not raises new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Further, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: January 11, 2011

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